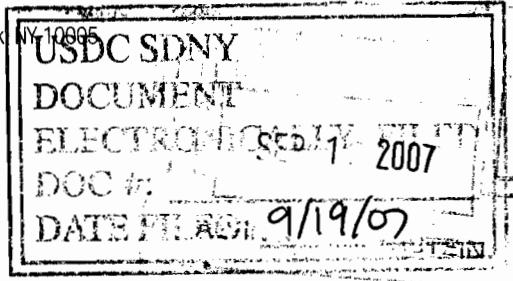


KennedyJohnsonGallagher LLC

99 Wall Street | 15th Floor | New York, NY 10005

pgallagher@kjglaw.com
Direct Dial: (212) 248-2230

Liaison Counsel for plaintiff,
and for defendants, shall
state the course of action they
recommend for the court to
follow, using the format
September 17, 2007

provided by my defendant
Rule 2 E, said letter to be

telefiled to the Court by noon,
September 24, 2007.

9/19/07

BY ELECTRONIC MAIL (wtc_letters@nysd.uscourts.gov)

Honorable Alvin K. Hellerstein
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street, Room 1050
New York, New York 10007

RE: *In re September 11 Property Damage and Business Loss Litigation*, 21 MC 97 (AKH)
(*Wilson (Wiswe) v. American Airlines*, 03 Civ. 6968 (AKH))

Dear Judge Hellerstein:

We write on behalf of our client, Leslie E. Robertson & Associates, P.C., and the other Design/Construction Defendants in the above-referenced action, to address a situation that we believe requires clarification, and with respect to which we seek Your Honor's intervention.¹ We have learned that, unlike every other settlement that has been reached thus far in the September 11 Litigation, the plaintiff in the *Wilson* matter has reached a settlement with the Aviation Defendants that excludes the Design/Construction Defendants. We understand that a motion for approval of the settlement with the Aviation Defendants will soon be filed with the Court. Moreover, we understand that the *Wilson* plaintiff has voluntarily dismissed defendant World Trade Center Properties from the case, meaning that, if the Aviation Defendant settlement were approved, the Design/Construction defendants would be the only defendants left in the *Wilson* case, which is, at present, one of the six cases selected for trial on damages.

If the present *Wilson* settlement were approved, we believe that would render the *Wilson* case unrepresentative of the unsettled cases that are proceeding to trial (as to damages only), as the case would proceed only against our clients without the involvement of the primary defendants. Our clients are reserving their right to oppose the anticipated settlement approval motion, and to file cross claims or third party claims against the Aviation Defendants, as may be appropriate. We are requesting at this time that the Court issue an order clarifying that, if a less than global settlement of the *Wilson* case were approved, it would render the *Wilson* matter unrepresentative, and thus cause it to be stricken from the list of six cases designated for trial as to damages.

Furthermore, we believe that a settlement with the primary defendants which excludes our clients is contrary to the spirit in which settlements are to be pursued in this matter, as well as what we

¹ For the purposes of this letter, the "Design/Construction Defendants" are Leslie E. Robinson Associates, R.L.L.P. s/h/a Leslie E. Robertson Associates; Magnusson Klemencic Associates (formerly Skilling Ward Magnusson & Barkshire Inc.); Minoru Yamasaki Associates, Inc.; and Tishman Construction Corporation s/h/a Tishman Realty & Construction Co., Inc.

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understand to be Your Honor's desire, from early on in the settlement process, that settlements were to be global, and include all defendants. As we noted, if the Wilson settlement, as presently configured, were to become final it would become the first instance in which a non-global settlement were approved. We believe this would be prejudicial to our clients, create inefficiencies in the administration of the September 11 litigation, possibly lead to the filing of cross-claims/third party claims and set an unfortunate precedent for the settlement of cases in the future.

We appreciate Your Honor's consideration of this request, and make it while recognizing that this unprecedeted situation in the September 11 Litigation may be one that Your Honor wishes to discuss with the parties at a conference.

Respectfully submitted,



Peter J. Gallagher

cc: Keith M. Franz, Esq.
Azrael Gann + Franz
101 East Chesapeake Avenue – 5th Floor
Baltimore, Maryland 21286
Counsel to Plaintiff Ann Wilson

Marc Moller, Esq.
Kreindler & Kreindler
100 Park Avenue
New York, New York 10017
Plaintiff Liaison Counsel

Desmond Barry, Esq.
Condon & Forsyth
7 Times Square
New York, New York 10036
Defense Liaison Counsel

M. Bradford Stein, Esq.
Flemming Zulack Williamson Zauderer LLP
One Liberty Plaza, 35th Floor
New York, NY 10006
Ground Defendants' Liaison Counsel

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Page 3

James F. Desmond, Jr., Esq.
Cozen O'Connor
45 Broadway, 16th Floor
New York, NY 10006
Counsel for Tishman Construction Corp.

Kevin J. McGrath, Esq.
Gogick, Byrne & O'Neill, LLP
11 Broadway, Suite 1560
New York, NY 10004-1314
Counsel for Minoru Yamasaki Associates

Marisa Lanza, Esq.
Milber Makris Plousadis & Seiden, LLP
3 Barker Avenue, 6th Floor
White Plains, NY 10601
Counsel for Skilling Ward Magnusson & Barkshire Inc.
and Magnusson Klemencic Associates, Inc.